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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Rachael Gilburd, et al.,

10 Plaintiffs,

11 v.

12 Rocket Mortgage LLC,

13 Defendant.  
14

No. CV-23-00010-PHX-DLR

**ORDER SETTING RULE 16  
SCHEDULING CONFERENCE**

15 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Scheduling  
16 Conference is set for **January 18, 2024 at 1:30 p.m. (Arizona time)**. The Court  
17 anticipates this hearing to be held telephonically. The parties will be provided with call-in  
18 information via separate email. In preparation for this Scheduling Conference, it is hereby  
19 Ordered as follows:

20 **INITIAL DISCLOSURES**

21 **The parties are ordered to provide initial disclosures at least 21 calendar days**  
22 **before the Scheduling Conference** in the form required by Federal Rule of Civil  
23 Procedure 26(a)(1). The parties shall file with the Clerk of Court a Notice of Initial  
24 Disclosure; copies of the actual disclosures need not be filed. The parties are not free,  
25 without order of the Court, to delay or defer exchange of the Rule 26(a)(1) initial  
26 disclosures to a time after their Rule 26(f) Meeting to prepare the proposed Discovery  
27 Plan.

28 **COMMENCEMENT OF DISCOVERY PERMITTED AND REQUIRED**

1 The limitation on the commencement of formal discovery set forth in Federal Rule  
 2 of Civil Procedure 26(d) is waived. Formal discovery not only may commence at any  
 3 time after service of process, but the court expects discovery to commence prior to the  
 4 Scheduling Conference. The parties shall serve initial document discovery requests at  
 5 least 14 days before the Scheduling Conference.

#### 6 CORPORATE DISCLOSURE STATEMENT

7 Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, any  
 8 nongovernmental corporate party to an action or proceeding must file a Corporate  
 9 Disclosure Statement. If not previously filed, the Court directs any nongovernmental  
 10 corporate party to file its Corporate Disclosure Statement within 10 days of receipt of this  
 11 Order. Forms are available on the court's website.

#### 12 RULE 26(f) MEETING AND DISCOVERY PLAN

13 The parties are directed to meet and confer at least 14 calendar days before the  
 14 Scheduling Conference as required by Federal Rule of Civil Procedure 26(f). At this  
 15 Rule 26(f) Meeting, the parties shall develop a joint proposed Discovery Plan which  
 16 contains the following information in separately numbered paragraphs:

- 17 1. The parties who attended the Rule 26(f) Meeting and assisted in developing  
 18 the Plan;
- 19 2. A short statement of the nature of the case (**3 pages or less**), including a  
 20 description of each claim and defense;
- 21 3. A description of the principal factual and legal disputes in the case;
- 22 4. The jurisdictional basis for the case, citing specific jurisdictional statutes;<sup>1</sup>
- 23 5. Any parties which have not been served and an explanation of why they  
 24 have not been served; and any parties which have been served but have not answered or

25  
 26 <sup>1</sup> If jurisdiction is based on diversity, the basis shall include a statement of the citizenship  
 27 of every party. See 28 U.S.C. §1332. The parties are reminded that (1) a corporation is a  
 28 citizen of the state where it is incorporated and the state of its principal place of business  
 and (2) partnerships and limited liability companies are citizens of every state of which  
 one of their members or partners is a citizen. See 28 U.S.C. §1332(c); *Indus. Tectonics v.*  
*Aero Alloy*, 912 F.2d 1090, 1092 (9th Cir. 1990); *Belleville Catering Co. v. Champaign*  
*Market Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir. 2003).

1 otherwise appeared;

2 6. A statement of whether any party expects to add additional parties to the  
3 case or otherwise to amend pleadings;

4 7. A listing of contemplated motions and a statement of the issues to be  
5 decided by these motions (including motions under Federal Rules of Evidence 702, 703,  
6 704, and 705);

7 8. Whether the case is suitable for reference to arbitration or a United States  
8 Magistrate Judge for trial;

9 9. The status of related cases pending before other courts or other judges of  
10 this Court;

11 10. A statement of when the parties exchanged Federal Rule of Procedure 26(a)  
12 initial disclosures;

13 11. A discussion of necessary discovery, including:

14 a. The extent, nature, and location of discovery anticipated by the  
15 parties;

16 b. Suggested changes, if any, to the discovery limitations imposed by  
17 the Federal Rules of Civil Procedure;

18 c. The number of hours permitted for each deposition, unless extended  
19 by agreement of the parties.

20 12. Proposed specific dates for each of the following (deadlines should fall on a  
21 Friday unless impracticable):

22 a. A deadline for the completion of fact discovery<sup>2</sup> and disclosure  
23 pursuant to Rule 26(a)(3);

24 b. Dates for complete disclosures of expert testimony under Rule  
25 26(a)(2)(C) of the Federal Rules of Civil Procedure;<sup>3</sup>

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26 <sup>2</sup> The discovery deadline is the date by which all discovery must be completed.  
27 Discovery requests must be served and depositions noticed sufficiently in advance of this  
28 date to ensure reasonable completion by this deadline, including time to resolve  
discovery disputes. Absent extraordinary circumstances, the Court will not entertain  
discovery disputes after this deadline.

<sup>3</sup> No expert witness not timely disclosed will be permitted to testify unless the party

- c. A deadline for completion of all expert depositions;
- d. A deadline for filing dispositive motions;
- e. A date by which the parties shall have engaged in good faith settlement talks.

13. Whether a jury trial has been requested and whether the request for a jury trial is contested (if the request is contested, set forth the reasons);

14. The estimated length of trial and any suggestions for shortening the trial;

15. The prospects for settlement, including any request of the Court for assistance in settlement efforts; and

16. Any other matters that will aid the Court and parties in resolving this case in a just, speedy, and inexpensive manner as required by Federal Rule of Civil Procedure 1.

The parties shall jointly file the Plan with the Clerk (e-file the Plan using the Other Documents category and use the drop-down event Report re: Rule 26(f) Planning Meeting) not less than seven calendar days before the Scheduling Conference (absent extraordinary circumstances, no extensions of time will be granted). It is the responsibility of Plaintiff(s) to initiate the Rule 26(f) Meeting and preparation of the joint Plan. Defendant(s) shall promptly and cooperatively participate in the Rule 26(f) Meeting and assist in preparation of the proposed plan.

#### SCHEDULING CONFERENCE AND ORDER

The Court directs counsel to Rule 16 of the Federal Rules of Civil Procedure for the objectives of the Scheduling Conference. Counsel who will be responsible for trial of the lawsuit for each party shall appear and participate in the Scheduling Conference and shall have authority to enter into stipulations regarding all matters that may be discussed.

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offering such witness demonstrates: (a) that the necessity of such expert witness could not have been reasonably anticipated at the time of the deadline for disclosing such expert witness; (b) the Court and opposing counsel or unrepresented party were promptly notified upon discovery of such expert witness; and (c) that such expert witness was promptly proffered for deposition. *See Wong v. Regents of the Univ. of Cal.*, 410 F.3d 1052, 1060 (9<sup>th</sup> Cir. 2005).

1 A continuance of the Scheduling Conference will be granted only for good cause and will  
2 not be granted beyond the time limit set forth in Federal Rule of Civil Procedure Rule  
3 16(b).

4 During or after the Scheduling Conference, the Court will enter a Scheduling  
5 Order. The form of the Court's standard Scheduling Order can be found on the Court's  
6 website at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges & Courtrooms; Orders, Forms &  
7 Procedures; Judge Rayes. The Court fully intends to enforce the deadlines in the  
8 Scheduling Order. The parties should plan their litigation activities accordingly.

9 OTHER MATTERS

10 Counsel for all parties are expected to comply fully with the Federal Rules of Civil  
11 Procedure and Local Rules and to minimize the expense of discovery.

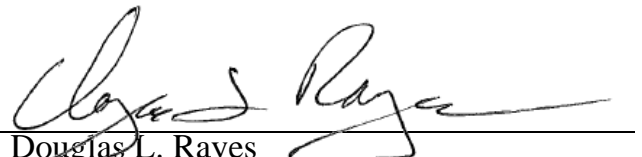
12 Counsel should ensure that all pleadings comply with LRCiv 7.1 and LRCiv 7.2.

13 Unless counsel can otherwise show cause, an order shall accompany the Discovery  
14 Plan dismissing any party which has not been served, fictitious or unnamed parties, or  
15 seeking default judgment against any non-appearing party;

16 **If a party has been served, but has not appeared, plaintiff or counter-**  
17 **claimant shall give notice of this order to that party. Rule 16(b)(2), Fed. R. Civ. P.**

18 The parties shall not file written discovery motions without leave of court. If a  
19 discovery dispute arises and cannot be resolved despite sincere efforts to resolve the  
20 matter through personal consultation, the parties shall call the Court's Judicial Assistant,  
21 Michele Morgan, at (602)322-7530, to set a telephonic conference.

22 Dated this 7th day of December, 2023.

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27 Douglas L. Rayes  
28 United States District Judge